

THE HON'BLE MR. JUSTICE V.V.S. RAO

FRIDAY, THE 30<sup>TH</sup> DAY OF DECEMBER, 2005

W.P.No. 27447 of 2005

Between:-

Sri S.M. Jilani

--Petitioner

And

Joint Sub Registrar-I, Registration and Stamps, Balaji Colony, Tirupati, Chittoor district and two others.

--Respondents





**THE HON'BLE MR. JUSTICE V.V.S. RAO**

**W.P.No. 27447 of 2005**

**:O R D E R:**

The petitioner claims to be the owner of the land admeasuring Ac. 01-14 cents in survey No. 244/1 of Vendanthapuram village, Tirupati rural Mandal in Chittoor district, having purchased the same from one K. Srinivas, who in turn had purchased under registered sale deed from Pondaiah, who obtained Ryotwari patta from the Settlement Officer. Having entered into an agreement of sale with K. Srinivas, the petitioner approached the second respondent to enquire the requisite stamp duty payable for registration of the document. It appears, the second respondent orally informed that the property could not be registered as per the executive instructions of the third respondent. Therefore, the present writ petition is filed seeking a direction to the respondent Nos. 1 and 2 to register the property in favour of the petitioner.

This court heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General).

Admittedly, the Government of Andhra Pradesh did not issue any notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), as amended by the Andhra Pradesh Legislature, and, therefore, the respondent Nos. 1 and 2 could not have refused to register the document. Further, a Division Bench of this Court, by order dated 07-12-2005 in W.P.No. 14099 of 2003 and batch, followed the judgment of the Supreme Court in **STATE OF RAJASTHAN v. BASANT NAHATA** <sup>1</sup> struck down Section 22-A of the Act, as inserted by the Andhra Pradesh Legislature in the Act. In view of the above, liberty is reserved to the petitioner to submit the sale deed for registration duly engrossed on the requisite stamp papers and present it to the second respondent. Unless and until there are other objections, the second

respondent shall take necessary action in accordance with law.

The writ petition is, accordingly, disposed of. No costs.

---

V.V.S. RAO, J

30-12-2005

pvks/\*